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County of San Diego
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**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

JEFFREY MOURNING,
Plaintiff,
v.
COUNTY OF SAN DIEGO, a
Governmental entity, SAN DIEGO
SHERIFF'S DEPARTMENT, a Public
Entity; and DOES 1 through 40, inclusive,
Defendants.

} No. '13CV2634 BTM NLS

} NOTICE OF REMOVAL OF CIVIL
ACTION

} [28 U.S.C. §§ 1441, 1446]

}

TO: THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF CALIFORNIA:

Petitioner/defendant on removal respectfully shows:

1. Petitioner is a defendant in the above-entitled action, which was commenced on July 25, 2013, in the Superior Court of the State of California, County of San Diego, Central Branch, Case No. 37-2013-00059391-CU-PO-CTL and is now pending therein.

2. The service status of the defendants named in the caption is as follows:

NAME	DATES OF SERVICE
San Diego County	Not Served
San Diego County Sheriff Department	Not a public entity subject to service of process

1 3. Unserved defendant San Diego County consent to removal.

2 4. The case as alleged in plaintiff's complaint is removable pursuant to 28
3 United States Code section 1441, in that it alleges liability arising under the Constitution
4 and laws of the United States, specifically 42 United States Code sections 1981, 1983,
5 1985, and 1986, and Title VI of the Civil Rights Act of 1964, and First, Fourth, Fifth, and
6 Fourteenth Amendments to the United States Constitution.

7 5. Petitioner/Defendant files herewith, as set forth in Exhibit A, copies of all
8 process and pleadings received by him in the foregoing Superior Court action, which is
9 now removed to this Court.

10 DATED: October 31, 2013 THOMAS E. MONTGOMERY, County Counsel

11 By /s:/Kevin G. Kennedy
12 KEVIN G. KENNEDY, Senior Deputy
13 Attorneys for Defendant County of San Diego
14 (erroneously sued as San Diego County Sheriff's
 Department)